

ASSEMBLY BILL

No. 126

Introduced by Assembly Member Jeffries

January 16, 2009

An act to add Article 4 (commencing with Section 790) to Chapter 2.5 of Division 1 of the Public Resources Code, relating to forestry and fire protection.

LEGISLATIVE COUNSEL'S DIGEST

AB 126, as introduced, Jeffries. Department of Forestry and Fire Protection: employment: criminal background checks.

Existing law requires the Department of Forestry and Fire Protection to be responsible for the fire protection, fire prevention, maintenance, and enhancement of the state's forest, range, and brushland resources, contract fire protection, associated emergency services, and assistance in civil disasters and other nonfire emergencies.

This bill would require the department to conduct a state and federal level criminal offender record information search through the Department of Justice prior to hiring an applicant for a position with the department or the State Board of Forestry and Fire Protection, with exceptions. The bill would require the Department of Justice to provide the information electronically, and require the department to request the Department of Justice to provide subsequent arrest notification services. The applicant would pay the fee charged by the Department of Justice for processing the request, and the department would refund the fee once that person had been employed 24 months cumulatively.

This bill would require the department to make and enforce those regulations necessary and proper for the implementation and maintenance of the requirements of these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Article 4 (commencing with Section 790) is added
2 to Chapter 2.5 of Division 1 of the Public Resources Code, to read:

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4 Article 4. Employment Applicant Criminal Background Check

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6 790. (a) (1) Prior to hiring an applicant for a employment with
7 the department or the board, the department shall electronically
8 submit to the Department of Justice fingerprint images and related
9 information required by the Department of Justice on the applicant
10 for the purposes of obtaining information as to the existence and
11 content of a record of state or federal convictions and state or
12 federal arrests and also information as to the existence and content
13 of a record of state or federal arrests for which the Department of
14 Justice establishes that the person is free on bail or on his or her
15 own recognizance pending trial or appeal, as provided pursuant to
16 subdivision (p) of Section 11105 of the Penal Code.

17 (2) When received, the Department of Justice shall forward to
18 the Federal Bureau of Investigation requests for federal summary
19 criminal history information received pursuant to this subdivision.
20 The Department of Justice shall review the information returned
21 from the Federal Bureau of Investigation and compile and
22 electronically disseminate a response to the department, as provided
23 pursuant to Section 11105 of the Penal Code.

24 (3) The Department of Justice shall electronically provide the
25 response to the department.

26 (b) The department shall request the Department of Justice to
27 provide subsequent arrest notification service, as provided pursuant
28 to Section 11105.2 of the Penal Code, for persons described in
29 subdivision (a).

30 (c) The Department of Justice shall charge a fee sufficient to
31 cover the cost of processing the request described in this section.

32 791. Each applicant shall have his or her fingerprint images
33 and related information submitted to the department for submission
34 to the Department of Justice, pursuant to regulations adopted
35 pursuant to Section 796, for a state and federal level criminal

1 offender record information search, including subsequent arrest
2 information.

3 792. (a) Each applicant shall pay to the department the fee
4 charged by the Department of Justice to cover the costs of
5 processing the request for a criminal background check.

6 (b) An employee who is employed by the department or the
7 board for 24 months, cumulatively, shall be refunded, by the
8 department, the amount he or she paid for processing costs of the
9 criminal background check.

10 793. Each application for employment shall require the
11 applicant's social security number in order to establish the identity
12 of the applicant. The information obtained as a result of a state
13 and federal level criminal offender record information search shall
14 be used in accordance with Section 11105 of the Penal Code, and
15 to determine whether the applicant is eligible for employment.

16 794. An applicant for seasonal employment shall not be
17 required to submit his or her fingerprint images or pay the fee,
18 upon a determination by the department that the applicant's
19 fingerprint images have previously been submitted to the
20 Department of Justice during the seasonal employee's initial hiring
21 or initial rehiring after this article goes into effect if no more than
22 two years has elapsed from the date of last employment.

23 795. A certified EMT-I or EMT-II shall be exempt from the
24 requirements of this article if he or she meets all of the following:

25 (a) He or she is currently certified pursuant to Division 2.5
26 (commencing with Section 1797) of the Health and Safety Code.

27 (b) His or her fingerprint images were previously submitted to
28 the Department of Justice and a state and federal level criminal
29 offender record information search, including subsequent arrest
30 information, has been conducted.

31 (c) The EMT-I or EMT-II submits to the department a written
32 verification that the certifying entity, as defined in Section 1797.62
33 of the Health and Safety Code, the Emergency Medical Services
34 Authority, as described in Section 1797.101 of the Health and
35 Safety Code, or the employer has had a state and federal level
36 criminal offender record information search conducted, including
37 subsequent arrest information, and that nothing in the criminal
38 offender record information search precluded the individual from
39 obtaining EMT-I or EMT-II certification.

1 796. The department shall make and enforce those regulations
2 that are necessary and proper for the implementation and
3 maintenance of the requirements of this article.

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